

Court of Appeals, Division One
Criminal

1 CA-CR 15-0136

STATE v. GURRIERI

Appellate Case Information

Case Filed: **5-Mar-2015**
Case Closed:

Dept/Composition

Department D

Hon. Andrew W Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Robert A Walsh, Esq. (AZ Bar No. 16071)

Side 2. GUY RUSSELL GURRIERI, Appellant

(Litigant Group) GUY RUSSELL GURRIERI

- Guy Russell Gurrieri

Attorneys for: Appellant

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

CASE STATUS

Nov 29, 2016....**Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-003333-001	Burglary in the Third Degree, Class 4	3 Years Probation	John R Ditsworth, Sentencing	JURY	

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Tuesday, January 3, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur

CASE DECISION

29-Nov-2016 MEMORANDUM DECISION

Andrew Gould.....Author
Peter Swann.....Concur
Patricia Orozco.....Concur

Filed: **29-Nov-2016**

Mandate:

Decision Disposition

Affirmed

63 PROCEEDING ENTRIES

- 5-Mar-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/02/15. Notification to Court Reporters dated 03/04/15. Includes Designation of Record.
- 13-Mar-2015 FILED: Reporter's Transcripts: 09/29/2014 - Oral Argument - Motion to Dismiss - (Melody O'Donnell)
- 9-Apr-2015 FILED: Reporter's Transcript 11/13/2014 Oral Argument (Crystal Hereford)
- 9-Apr-2015 FILED: Reporter's Transcript 2/10/15 Sentencing (Crystal Hereford)
- 12-Apr-2015 FILED: Reporter's Transcript - 11-24-2014 - Jury Trial - (Hilda E. Lopez)
- 13-Apr-2015 FILED: Motion for Extension of Time to File Transcripts (Yvonne M. De La Torre)
- 14-Apr-2015 FILED: First Motion for Extension of Time to File Transcripts (Hilda Lopez)
- 15-Apr-2015 FILED: Motion for Extension of Time to File Transcripts (Wanda Bauer)
- 15-Apr-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None

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10. 15-Apr-2015 FILED: Additional Record on Appeal Exhibits:
Hearing Date 11/17/14 - List # 1 3 4 6 7 8 9 10 11 13 14 15 16 17 18 19 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 93 94 95.001 102 106 108.001 109 11 114 117 118 119 120 121 123 129 130 132 in a Manila Envelope
11. 21-Apr-2015 ORDERED: Court Reporter Hilda E Lopez Due Dates EXTENDED to 05/21/2015 for Transcripts dated 11/25/2014, 11/26/2014. Hon Michael J Brown - Author
12. 21-Apr-2015 AMENDED ORDER: First Motion for Extension of Time to File Transcripts (Hilda Lopez) = GRANTED. Due Dates EXTENDED to 05/21/2015 for Transcripts dated 11/25/2014, 11/26/2014. Hon Michael J Brown - Author
13. 21-Apr-2015 ORDERED: Court Reporter Yvonne De La Torre Due Dates EXTENDED to 05/21/2015 for Transcripts dated 11/17/2014, 11/18/2014. Hon Michael J Brown - Author
14. 21-Apr-2015 ORDERED: Motion for Extension of Time to File Transcripts (Wanda Bauer) = GRANTED. Due dates EXTENDED to 05/21/2015 for Transcripts dated 11/19/2014, 11/20/2014 or OSC on 06/03/2015. Hon Michael J Brown - Author
15. 21-Apr-2015 ORDERED: OSC set for 06/03/2015 (Karen Dawson) Hon Michael J Brown - Author
16. 21-Apr-2015 ORDERED: Ken Crenshaw due dates EXTENDED to 05/21/2015 for Transcripts dated 05/02/2014, 05/09/2014, 08/11/2014, 11/04/2014 or OSC on 06/03/2015. Hon Michael J Brown - Author
17. 13-May-2015 FILED: Reporter's Transcript of Proceedings - 11-25-14 - Jury Trial - (Hilda Lopez)
18. 14-May-2015 FILED: Reporter's Transcript - 11-19-2014 - Trial (Wanda Bauer)
19. 16-May-2015 FILED: Reporter's Transcript - 11-20-2014 - Trial (Wanda Bauer)
20. 19-May-2015 FILED: Reporter's Transcript - 5/2/14 - Initial Pretrial Conference (Lawrette Murphy)
21. 19-May-2015 FILED: Reporter's Transcript - 5/9/14 - Settlement Conference (Lawrette Murphy)
22. 19-May-2015 FILED: Reporter's Transcript - 8/11/14 - Trial Vacated (Lawrette Murphy)
23. 19-May-2015 FILED: Reporter's Transcript - 11/4/14 - Settlement Conference (Lawrette Murphy)
24. 19-May-2015 FILED: Motion for Extension of Time to File Transcripts (Yvonne M. De La Torre)
25. 21-May-2015 FILED: Reporter's Transcript 11/17/14 Trial-Day 1 (Yvonne M. De La Torre)
26. 21-May-2015 FILED: Reporter's Transcript of Proceedings - 11-26-14- Jury Trial (Hilda Lopez)
27. 27-May-2015 FILED: Reporter's Transcript 11-18-14 Trial-Day 2 (Yvonne M. De La Torre)
28. 2-Jun-2015 FILED: Reporters Transcript (05/29/14, 11/05/14) [Karen Dawson]
29. 4-Jun-2015 FILED: Notice of Completion of Record
30. 10-Jun-2015 FILED: Motion to Provide Sealed or Confidential Jury List; Certificate of Service (Appellant)
31. 17-Jun-2015 ORDERED: Motion to Provide Sealed or Confidential Jury List (Appellant) = GRANTED/Unsealing random jury list for this appeal only. Fred Cole ProTem Judge - Author
32. 2-Jul-2015 FILED: Notice that Record is Incomplete; Certificate of Service (Appellant)
33. 15-Jul-2015 ORDERED: Notice that Record is Incomplete (Appellant) = GRANTED/Supplementing the record by including the defendant's Motion to Dismiss for Brady Violations filed on or about August 6, 2014, and the Response to the State's Motion in Limine Pursuant to Rule 802 filed on November 12, 2014, in codefendant Walker's case (Defendant 004). FURTHER ORDERED: Maricopa County Superior Court to forward all records by 8/4/15. FURTHER ORDERED: DENYING the motion for specific index numbering. Anthony Mackey ProTem Judge - Author (AMENDED per order dated 7/22/15)

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34. 22-Jul-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Motion to Dismiss for Brady Violations, or, In Alternative, to Preclude Witness Testimony Under Rule 15.7 (Record Item 110) and Defendant's Response to the State's Motion in Limine Pursuant to Rule 802 (Record Item 111))
35. 23-Jul-2015 AMENDED ORDER: Notice that Record is Incomplete (Appellant) = GRANTED/Supplementing the record by including the defendant's Motion to Dismiss for Brady Violations filed on or about August 6, 2014, and the Response to the State's Motion in Limine Pursuant to Rule 802 filed on November 12, 2014, in codefendant Walker's case (Defendant 004). FURTHER ORDERED: Maricopa County Superior Court to forward all records by 8/4/15. FURTHER ORDERED: DENYING the motion for specific index numbering. FURTHER ORDERED: EXTENDING the time for filing the opening brief to and including September 3, 2015. Anthony Mackey ProTem Judge - Author
36. 4-Sep-2015 ORDERED: Opening Brief due date EXTENDED from Thursday, 09-03-2015 to Monday, 10-05-2015. Fred Cole ProTem Judge - Author
37. 5-Oct-2015 FILED: Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
38. 7-Oct-2015 ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = DENIED. FURTHER ORDERED: On the courts own motion the opening brief be filed on or before 10/19/2015 or OSC on 10/21/2015. Anthony Mackey ProTem Judge - Author
39. 19-Oct-2015 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant) (STRICKEN per order dated 03/07/16)
40. 19-Oct-2015 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
41. 20-Oct-2015 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 11/30/2015; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
42. 21-Oct-2015 FILED: Letter, dated 10/20/2015, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
43. 10-Dec-2015 FILED: Assigning Anders appeal to Dept C for consideration and disposition. [Ruth Willingham, Clerk]
44. 10-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
45. 17-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
46. 7-Mar-2016 ORDERED: Vacating the previous assignment and disposition pursuant to Anders v. California. FURTHER ORDERED: Striking Appellant's Opening Brief filed 10/19/15. FURTHER ORDERED: Opening Brief due 04/18/16. FURTHER ORDERED: Answering Brief due within forty days of the service of Appellant's Opening Brief. Hon Peter B Swann - Author (AMENDED per order dated 03/18/2016)
47. 18-Mar-2016 ORDERED: Amending order dated 03/07/2016 to reflect case previously assigned to Department C (not A). Hon Peter B Swann - Author
48. 18-Apr-2016 FILED: Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
49. 21-Apr-2016 ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED/Due date EXTENDED from Monday, 04-18-2016 to Wednesday, 05-18-2016. Anthony Mackey ProTem Judge - Author
50. 18-May-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
51. 20-May-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
52. 5-Jul-2016 ORDERED: Answering Brief due date EXTENDED from Tuesday, 07-05-2016 to Thursday, 08-04-2016. Fred Cole ProTem Judge - Author
53. 4-Aug-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
54. 30-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
55. 30-Aug-2016 ORDERED: Reply Brief due date EXTENDED from Monday, 08-29-2016 to Monday, 09-19-2016. Fred Cole ProTem Judge - Author
56. 6-Sep-2016 FILED: Motion to Strike Answering Brief; Certificate of Service (Appellant)
57. 9-Sep-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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| 58. | 15-Sep-2016 | ORDERED: Motion to Strike Answering Brief (Appellant) = DENIED. Hon Andrew W Gould - Author |
| 59. | 19-Sep-2016 | FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 60. | 26-Sep-2016 | CLNDR: CONFERENCE, Department D, 11-8-16, COURTROOM 2. |
| 61. | 14-Nov-2016 | FILED: Notice of Appearance; Certificate of Service (Appellant) |
| 62. | 29-Nov-2016 | MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur |
| 63. | 29-Nov-2016 | FILED: Memorandum Decision Distribution List |